



# VLCT LEGISLATIVE ACTION ALERT

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

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**Date:** Tuesday, January 10, 2012  
**To:** Legislative Alert Distribution List  
**From:** Steve Jeffrey, Executive Director  
**Re:** Collective Bargaining Agency Fee Mandate

On Wednesday, January 11, the House General, Housing and Military Affairs Committee will be taking testimony on H.239, a bill that would mandate that municipal employees pay an “agency fee” to a labor union even if they did not choose to join the union. **VLCT opposes the bill and urges you to contact your House members immediately and tell them to oppose H.239.**

The bill is unclear, but we believe it would apply to all municipal employees in a group of employees within the municipality recognized by either the employer or the Vermont Labor Relations Board with a “similarity of interests, needs, and general conditions of employment,” referred to a “bargaining unit” in collective bargaining parlance. A bargaining unit might comprise all members of the police department or highway crew except supervisory or confidential employees.

Under current law, municipal employees are authorized to bargain collectively for “wages, hours or conditions of employment” with their municipal employers. The law – the “Vermont Municipal Labor Relations Act” ([www.leg.state.vt.us/statutes/sections.cfm?Title=21&Chapter=022](http://www.leg.state.vt.us/statutes/sections.cfm?Title=21&Chapter=022)) – also allows the union to bargain with the employer to require an agency fee to be paid “as a condition of employment.” An agency fee is defined as being “a fee for representation in collective bargaining not exceeding employee organization dues, payable to an employee organization which is the exclusive bargaining agent for employees in a bargaining unit from individuals who are not members of the employee organization.” Again, under current law, the town negotiates – on behalf of the employees who chose not to join the union – whether they should be fired for not paying a fee to the union, how much such a fee should be, and whether the town would collect the agency fee through payroll deduction and then pay the union. H.239 would not permit this negotiation and would instead mandate these fees on all employees who did not join the union. Towns would be forced to fire employees who refused to pay the union fee. The bill is silent as to whether the town would be mandated to withhold the fee and pay the union and so incur an additional expense and potential liability, or how much the fee should be.

**Please call, email, or speak with your House members today or tomorrow, particularly members of the General, Housing and Military Affairs Committee (Helen Head of South Burlington, *Chair*, John Moran of Wardsboro, *Vice Chair*, Brian Savage of Swanton, Margaret Andrews of Rutland City, Robert Bouchard of Colchester, Jean O’Sullivan of Burlington, Harvey Smith of New Haven, and Thomas Stevens of Waterbury). Tell them to oppose H.239 and leave the issue of agency fees to be negotiated, not mandated. Find your legislators’ email addresses at [www.leg.state.vt.us/legdir/legdirmain.cfm](http://www.leg.state.vt.us/legdir/legdirmain.cfm) or call the State House at 800-322-5616 and leave a message with the Sergeant at Arms.**

Please copy VLCT on any correspondence you generate in this matter.